

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN RICHARD GIBSON,
Petitioner,
v.
CALIFORNIA BOARD OF PRISON
TERM, et al.,
Respondents.) CV F 05 0042 AWI LJO HC
) ORDER CONSTRUING PETITIONER'S
) MOTION TO SUPPLEMENT PETITION AS
) A MOTION FOR JUDICIAL NOTICE
) [Doc. #6]
) ORDER GRANTING PETITIONER'S
) MOTION FOR JUDICIAL NOTICE

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On January 27, 2005, Petitioner filed a motion requesting his petition be supplemented to include an additional case: Board of Pardons v. Allen, 482 U.S. 369 (1987). Because briefing has concluded in this case and it appears Petitioner merely wishes to notify the Court of the decision and request that it be considered in the Court's review of the merits of the petition, the Court hereby CONSTRUES Petitioner's request as a motion for judicial notice.

A court may take judicial notice of court records. See MGIC Indem. Co. v. Weisman, 803 F.2d 500, 505 (9th Cir.1986); United States v. Wilson, 631 F.2d 118, 119 (9th Cir.1980).

28 Accordingly, the Court hereby TAKES judicial notice of the Supreme Court's opinion in Board of

1 Pardons v. Allen, 482 U.S. 369 (1987). However, Petitioner is advised that briefing is concluded in
2 this matter. The above-noticed case could have and should have been included in the original petition
3 for writ of habeas corpus. No further attempts to add additional cases or argument will be considered
4 without a showing of good cause.

5 IT IS SO ORDERED.

6 **Dated: July 22, 2005**
b9ed48

/s/ Lawrence J. O'Neill
UNITED STATES MAGISTRATE JUDGE

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